

REMARKS

Claim Rejections

Claims 22 and 32 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 22 and 32 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out an distinctly claim the subject matter which applicant regards as the invention. Claims 19, 20, 22, 25-32 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamanini (5,295,695) in view of Yamagata (4,084,689) and further in view of Belokin et al. (5,458,231). Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamanini in view of Yamagata and further in view of Belokin et al. and further in view of Tayebi (5,989,667). Claims 19, 20, and 22-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamanini in view of Yamagata and further in view of Linsenbigler (4,968,540). Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamanini in view of Yamagata and further in view of Linsenbigler and further in view of Tayebi. Claim 36 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamanini in view of Yamagata and further in view of Ueda et al. (4,849,265).

It is noted that the reference to Ueda was initially cited by the Examiner in the outstanding Final Office Action. Thus, this Amendment represents Applicant's initial opportunity to respond to the rejections based upon this reference.

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

Amended Claims

By this Amendment, Applicant has amended claims 22 and 32 of this application to remove the term "substantially." It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

Applicant does not acquiesce to the correctness of the Examiner's rejections not specifically addressed below and maintains the arguments presented in the Supplemental Amendment of May 22, 2006 with regard to Tamanini, Yamagata, Belokin et al., Tayebi, and Linsenbigler.

Arguments

As the Examiner is undoubtedly aware, an obviousness rejection must be supported by a showing of a *prima facie* case of obviousness. In support of such a case, the Examiner must provide teachings from the art which teach or suggest each and every element of Applicant's recited invention. Applicant respectfully submits that the Examiner has not done so. Specifically, Applicant asserts that the Examiner has incorrectly interpreted Yamagata as teaching a "***prefolded***" flap. Furthermore, Applicant submits that the Examiner has not shown that Ueda teaches decorative stickers having "***different stacked and overlapped substantially planar parts to together form a scene with visual depth***"; or that Linsenbigler teaches a set of 3D decorative stickers formed by "***different stacked, and overlapping substantially planar parts.***"

Claims 19 and 30 are directed towards, *inter alia*, a sticker set including a packing bag having a sealed upper edge and an open lower edge with an adhesive-applied flap downwardly extending, the open lower edge being prefolded to be folded upward to close the opening at said open lower edge and a hanging hole located between the upper edge and a top edge of the substrate. Claims 19 and 30 are further directed towards a set of individual 3D decorative stickers together creating a specific view, the 3D decorative stickers being configured to display a 3D effect when in said packing bag. Claim 30 is further directed towards a set of individual 3D decorative stickers showing costumes and animals being arranged on said substrate to create a specific fairy-tale view. Claim 36 is directed towards a set of 3D decorative stickers having different stacked and overlapped substantially planar parts to together form a scene with visual depth. In addition, dependent claims 23 and 33 are further directed towards a set of 3D decorative stickers formed by different stacked, and overlapping substantially planar parts.

Yamagata teaches a packaging article 1 having a flap 6 with adhesive tape. The flap has a folding line cut in the body 7 which must be folded after articles are placed in the package (Col. 2, ll. 46-50). A hole 14 is located in the center of the folding line 13. It is important to note that the flap is not prefolded, but is rather folded along the cut line after the package is filled.

The Examiner has stated on p. 11 of the outstanding Office Action that

“Applicant argues the prefold is not taught by the prior art reference Yamagata, but is rather folded along the cut line after the package is filled. Applicant has not persuasively argued because the flap of the instant invention is intended to be folded over and the process limitations of pre/post folding are obvious as the flap of the prior art is folded over and thus serve no patentable significance between folding vs. prefolded flaps.”

Applicant respectfully disagrees with the Examiner’s characterization of “pre-folded” as being a **process** limitation. The skilled artisan would appreciate that the term clearly denotes a **structural** limitation. In contrast to Applicant’s recited structure, the Examiner’s characterization of Yamagata’s flap as being “intended to be folded over” is a process limitation. It follows that the Examiner has not provided teachings from the art teaching which, when combined, teach or suggest a prefolded open lower edge.

Yamagata does not teach: a sticker set including a packing bag having a sealed upper edge and an open lower edge with an adhesive-applied flap downwardly extending, the open lower edge being prefolded to be folded upward to close the opening at said open lower edge and a hanging hole located between the upper edge and the substrate; a set of individual 3D decorative stickers together creating a specific view, the 3D decorative stickers being configured to display a 3D effect when in said packing bag; a set of individual 3D decorative stickers showing costumes and animals being arranged on said substrate to create a specific fairy-tale view; a set of 3D decorative stickers are formed by overlapping different constituent parts; or a set of 3D decorative stickers having stacked and overlapped different, planar parts to together form a scene with visual depth.

Lisenbigler is cited as teaching as teaching a 3D sticker with curled paper of predetermined widths and overlapping fashion in the form of a bow. It is important to note that the ribbons are **curved**, nor do they disclose that they together form a 3D scene (fairytale or otherwise).

On p. 11 of the outstanding Office Action, the Examiner has stated

“Applicant argues Lisenbigler, alleging a bow with a peel-off sheet is not a 3D sticker. The Applicant has not provided a persuasive argument because a sticker is merely an decorative sheet with adhesive on the back, which is indeed what Lisenbigler teaches.”

In response, Applicant submits that the Examiner’s response has still not adequately supported the assertions that Linsenbigler teaches **different overlapping and stacked substantially planar parts**. In addition, Lisenbigler fails to teach: a set of 3D decorative stickers having stacked and overlapped different, planar parts to together form a scene with visual depth.

Ueda teaches a sheet having a substrate 1, an adhesive layer 2, a bead layer 3, and a coat layer 6. A reflective film 17 can be included on the lower surface of the substrate 1, as shown in Fig. 4. It is important to note that the various layers are not shown as **overlapping**, but are rather taught as **continuous** with respect to one another. Furthermore, the reference fails to teach anything about forming a visual scene having visual depth with any of Ueda’s layers.

The Examiner has stated

“Tamanini does not teach the stickers are formed by different stacked and overlapped planar parts together to form a scene with visual depth. Ueda teaches a multilayered reflective adhesive sheet comprising reflective bead layers, adhesives, and films (planar parts) and use for stickers producing an ornamental effect having reflecting properties (together form a scene with visual depth, col. 4, lines 1-18 and FIG. 1 and associated text).”

Applicant has reviewed Col. 4, ll. 1-18 and determined that the cited text only teaches that the bead coated sheet may be used for decorative purposes. It is nonsensical to say that the disclosure of a reflective film, as part of a beaded sheet

that can have a decorative function, can be said to teach or suggest a bagged decorative sticker set different overlapping and stacked substantially planar parts, much less different overlapping and stacked substantially planar parts, forming a visual scene having visual depth. Furthermore, with regard to motivation, Applicant submits that the skilled artisan would not be motivated to look to Ueda, a reference teaching beaded sheets for such industrial purposes as covering walls, ships, signs (and advantages ranging from being anti-corrosive, water resistant, being anti-skid, heat resistant, etc.), for producing bagged, decorative 3D stickers.

Even if the teachings of Tamanini, Yamagata, Belokin et al., Linsenbigler, Tayebi and Ueda were combined, as suggested by the Examiner, the resultant combination does not suggest: a sticker set including a packing bag having a sealed upper edge and an open lower edge with an adhesive-applied flap downwardly extending, the open lower edge being prefolded to be folded upward to close the opening at said open lower edge and a hanging hole located between the upper edge and the substrate; nor does the combination suggest: a set of 3D decorative stickers are formed by overlapping different constituent parts; or a set of 3D decorative stickers having stacked and overlapped different, planar parts to together form a scene with visual depth.

It follows from the above that the Examiner has not yet presented a *prima facie* case of obviousness with regard to Applicant's amended claims. As a result, Applicant has traversed the Examiner's rejections under 35 U.S.C. § 103.

The Examiner is respectfully reminded that In *In re Gordan*, USPQ 1125, 1127 (Fed. Cir. 1984) the court outlined that "[t]he mere fact that the prior art **could be so modified** would not have made the **modification** obvious unless the prior art **suggested the desirability of the modification**. *Emphasis added*. Furthermore, in considering Applicant's invention, Applicant respectfully asks the Examiner not to assume the obviousness of Applicant's invention based on the simplicity of Applicant's improvement. It is important to remember that "[s]implicity is not inimical to patentability." *In re Oetiker*, 24 USPQ2d 1443, 1446 (Fed. Cir. 1992). In fact, "[s]implicity can actually be proof of nonobviousness. *In re Sporch*, 133 USPQ 360, 363 (CCPA 1962).

Applicant submits that there is not the slightest suggestion in either Tamanini, Yamagata, Belokin et al., Linsenbigler Tayebi, or Ueda that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Tamanini, Yamagata, Belokin et al., Linsenbigler, Tayebi, nor Ueda disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.

Applicant believes the following comments and illustrations will further assist the Examiner in further appreciating the distinctions between the prior art and the Applicant's invention.

Applicant's bagged decorative stickers are formed by a multiple-staged processing method using a diversity of material. As a result, all the finished 3-D artworks are contained in the same pouch to enhance the 3-D artistic effect, which is neither similar to that of the cited case nor able to be easily accomplished by Ueda's single component material and single processing method.

The following are examples of the major method and production process and practical application for Applicant's bagged sticker set.

1. For POLY material: The processing order is [build original mold] → [cast working mold] → [polish final mold] → [pour POLY material into mold] → [detach working piece off mold] → [soak working piece in the alkaline solution] → [improve working piece] → [paint working piece] → [finished product].

2. For rivet material: After complete preparation of all raw material by laminating in order, all the components are moved into a rivet machine for riveting together so as to have grading and vivid effect (refer to attached pictures of 1 and 2 in Attachment A).

3. For the surface processing: The surface of the material is processed to have 3-D artistic effect, whose methods are:

- (A) Implant nap process: After adjustment of the desired color and length of the nap to be implanted and the pasting of the glue on the substrate paper, the

working piece is moved into nap-implant machine for processing (refer to attached picture-3).

(B) Gilding process: First etch the zinc working piece into a desired predefined shape, then heat and press the gilding foil together with the shaped zinc working piece so that the gilding foil is affixed onto the shaped zinc working piece (refer to attached picture-4).

© Embossing process: First cast the copper plate or zinc plate into one pair of convex male mold and concave female mold with a desired predefined shape, then press the working piece together in a pair of molds.

(D) Glass sand process: First glue the roll-printed working piece, then scatter the glass sand onto the glued working piece. Finally, repeatedly press the working piece so that the glass sand is firmly affixed onto the working piece (refer to attached picture-5).

(E) A-boss process: First stick the surface of the working piece with paste, then roll-press the working piece. Finally, spread the A-boss onto the working piece so that the thickness is formed on the surface of the working piece by the surface tension (refer to attached pictures of 6 and 7).

(F) Gold onion glitter process: First glue the desired area on the working piece, then scatter the gold onion glitter onto the glued working piece (refer to attached picture-8).

4. For high frequency process: First print the desired pattern on the working piece, then affix the working piece together so as to have thickness and grading effect by high frequency principle (refer to attached pictures of 9 and 10).

5. For bead process: First pass the iron wire through the beads orderly, then arrange these beads into pattern of desire on the working piece (refer to attached pictures of 11 and 12).

6. For sewing process: First prepare the fabric or leather by manual or sewing machine in order, then sew these diversified materials together (refer to attached pictures of 13 to 15).

Application No. 10/770,412

Summary

In view of the foregoing, Applicant submits that this application is now in condition for allowance and such action is respectfully requested.


Should the Examiner not be of the opinion that this case is in condition for allowance, it is requested that this amendment be entered for the purposes of appeal, since it materially reduces the issues on appeal by obviating the Examiner's rejections of claims 22 and 32 under 35 U.S.C. § 112, first and second paragraphs.

Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: November 1, 2006

By:


Demian K. Jackson
Reg. No. 57,551

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707

CUSTOMER NUMBER: 40144